

COWLEY COUNTY, KANSAS

ORDINANCE NO. 2025-01

**AN ORDINANCE PROHIBITING PUBLIC NUDITY IN COWLEY COUNTY, KANSAS, AND PROVIDING
PENALTIES FOR VIOLATION THEREOF.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COWLEY COUNTY, KANSAS:

Section 1. Purpose.

The purpose of this ordinance is to protect the public health, safety, welfare, and morals by prohibiting acts of public nudity in areas frequented by the general public, while recognizing certain exceptions for legitimate and customary activities.

Section 2. Prohibited Conduct.

(a) It shall be unlawful for any person to knowingly or intentionally appear in a state of nudity in a public place or on private property (outside of the home) where visible to others.

Section 3. Definitions.

For the purposes of this ordinance, the following definitions shall apply:

(a) **"Nudity"** means the showing of the human male or female genitals, anus, anal cleft or anal cleavage, or the showing of the female breast below a horizontal line across the top of the areola at its highest point with less than a fully opaque covering. This definition includes the entire lower portion of the female breast but does not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

(b) **"Public place"** means any location frequented by the public, or where the public is present or likely to be present, including but not limited to streets, avenues, highways, roads, sidewalks, parks, waterways, stores, commercial establishments, public meeting facilities, or any area open to or used by the general public.

(c) **"Places set apart for nudity"** means public or plainly visible to the public or where nudity or exposure is necessary or customarily expected. This includes, but is not limited to, public restrooms, enclosed single-sex functional shower, locker, or dressing room facilities, enclosed motel or hotel rooms designed for sleeping accommodations, medical offices, and designated portions of hospitals or clinics.

Section 4. Exceptions.

The provisions of Section 2 of this ordinance shall not apply to the following:

(a) A child under the age of ten (10) years.

(b) A mother breastfeeding her child.

(c) Places set apart for nudity, as defined in this ordinance.

(d) Any theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances in which nudity is incorporated into the artistic or theatrical presentation and is not used as a guise to exploit nudity for profit or commercial gain.

(e) Nudity that is incorporated into an educational curriculum at an accredited university, technical school, or institution where courses are eligible for transfer to such institutions.

Section 5. Penalty.

Violation of this ordinance shall constitute a Class C misdemeanor, punishable by:

- Imprisonment in the County Jail for a term not to exceed thirty (30) days; and/or
- A fine not to exceed five hundred dollars (\$500.00).

Section 6. Severability.

If any provision or section of this ordinance is determined to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of the ordinance, which shall continue in full force and effect.

Section 7. Effective Date.

This ordinance shall take effect and be in full force following its publication in the official county newspaper as provided by law.

Adopted this 6th day of May 2025.

BOARD OF COUNTY COMMISSIONERS

COWLEY COUNTY, KANSAS

Wayne Wilt, Chairperson

Jim Maxwell, Commissioner

Alan Groom, Commissioner

ATTEST:

Karen Madison, County Clerk